

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

INGA GUTIERREZ,

Plaintiff,

v.

CV 06-0937 RB/WPL

THOMAS SCHWANDER, ET AL.,

Defendants.

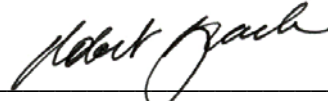
ORDER ADOPTING REPORT AND RECOMMENDATION

This matter is before the Court on the magistrate judge's Report and Recommendation (Doc. 470) regarding the Joint Motion for Status Conference (Doc. 459). Because of the lengthy delay caused by the postponement of Plaintiff's competency hearing in state court, the magistrate judge recommended that the Joint Motion for Status Conference be denied without prejudice and that the moving defendants provide the Court with information regarding the competency hearing when that information becomes available. The Report and Recommendation was filed and served on January 22, 2010. The Report and Recommendation notified the parties that objections were due within fourteen days of service and that if no objections were filed, no appellate review would be allowed. To this date, no objections have been filed.

IT IS THEREFORE ORDERED that:

- 1) the Report and Recommendation is adopted as an order of the Court;
- 2) the Joint Motion for Status Conference is denied without prejudice;
- 3) the Schwander and Gordon Defendants shall promptly notify this Court if the competency hearing is vacated or reset; and

4) the Schwander and Gordon Defendants shall promptly provide this Court with a copy of the state court's competency decision.

A handwritten signature in black ink, appearing to read "Robert C. Brack", written over a horizontal line.

ROBERT C. BRACK
UNITED STATES DISTRICT JUDGE